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**PATENT APPLICATION**

**THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of

Docket No: Q67605

Terukazu YANAGI, et al.

Appln. No.: 10/026,843

Group Art Unit: 1653

Confirmation No.: 9834

Examiner: Robert B. Mondesi

Filed: December 27, 2001

For: MODIFIED GELATIN, AND SILVER HALIDE PHOTOGRAPHIC EMULSION AND  
PHOTOGRAPHIC LIGHT-SENSITIVE MATERIAL USING THE SAME

**SECOND STATUS INQUIRY REGARDING**

**UNANSWERED PETITION FILED ON DECEMBER 10, 2003**

**MAILSTOP: PETITIONS**

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

A Petition Pursuant to 37 C.F.R. § 1.59 and MPEP § 724.05 to Expunge Copies  
of Papers from Application File was filed in the above-identified application on  
December 10, 2003 (see Attachment A).

In accordance with a notice from the USPTO (see Attachment B), an e-mail alert  
was sent to the Office of Petitions on May 11, 2004 (see Attachment C). As of May 18,  
2004, PAIR indicated that the petition remained unanswered (see Attachment D) and a  
Status Inquiry Regarding unanswered Petition was filed on May 19, 2004 (see  
Attachment E).

As of November 5, 2004, the petition remains unanswered. In view, thereof, the  
undersigned respectfully requests to be advised of the status of the Petition Pursuant

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Status Inquiry Regarding Unanswered Petition  
U.S. Application Ser. No. 10/026,843

Attorney Docket No. Q67605

to 37 C.F.R. § 1.59 and MPEP § 724.05 to Expunge Copies of Papers from Application  
File filed on December 10, 2003, in the above-identified application.

Applicants note that the Application was allowed on September 24, 2004, and  
this Status Inquiry is necessitated by the USPTO's unreasonable delay in responding  
to the Petition originally filed in December 10, 2003. Therefore, Applicants should not  
be charged with any loss of Patent Term Adjustment as a result of the filing of this  
Status Inquiry.

SUGHRUE MION, PLLC  
Telephone: (202) 293-7060  
Facsimile: (202) 293-7860

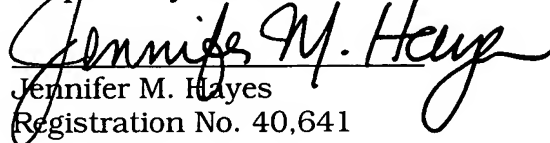
WASHINGTON OFFICE

**23373**

CUSTOMER NUMBER

Date: November 8, 2004

Respectfully submitted,

  
Jennifer M. Hayes  
Registration No. 40,641



36

**FILING RECEIPT**

**PLEASE DATE STAMP AND RETURN TO US - BOX 235X**

In re application of

Terukazu YANAGI, et al.

Appln. No. 10/026,843

Group Art Unit: 1752

Confirmation No.: 9834

Examiner: Geraldine Letscher

Filed: December 27, 2001

For: MODIFIED GELATIN, AND SILVER HALIDE PHOTOGRAPHIC EMULSION AND  
PHOTOGRAPHIC LIGHT-SENSITIVE MATERIAL USING THE SAME

PAPER(S) FILED ENTITLED:

1. Submission of Petition Pursuant to 37 C.F.R. § 1.59 and MPEP § 724.05 to  
Expunge Copies of Papers from Application File (in duplicate with check no.  
236159 in the amount of \$130.00)
2. Petition Pursuant to 37 C.F.R. § 1.59 and MPEP § 724.05 to Expunge Copies  
of Papers from Application File (with Attachments A and B)

SUGHRUE MION, PLLC  
2100 Pennsylvania Avenue, N.W.  
Washington, D.C. 20037-3213  
Telephone: (202) 293-7060  
Facsimile: (202) 293-7860



DOCKET NO.: Q67605  
ATTORNEY/SEC: JMH/sls

Date Filed: December 10, 2003

ATTACHMENT A



**PATENT APPLICATION**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of

Docket No: Q67605

Terukazu YANAGI, et al.

Appln. No.: 10/026,843

Group Art Unit: 1752

Confirmation No.: 9834

Examiner: Geraldine Letscher

Filed: December 27, 2001

For: MODIFIED GELATIN, AND SILVER HALIDE PHOTOGRAPHIC EMULSION AND PHOTOGRAPHIC LIGHT-SENSITIVE MATERIAL USING THE SAME

**SUBMISSION OF PETITION PURSUANT TO 37 C.F.R. § 1.59 AND MPEP § 724.05  
TO EXPUNGE INFORMATION FROM APPLICATION FILE**

**MAILSTOP: PETITION**

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

**FILED**

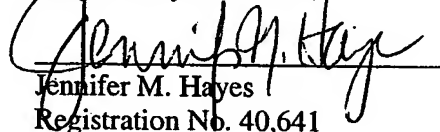
DEC 10 2003

Sir:

A check in the amount of \$130.00 for the PETITION PURSUANT TO MPEP § 724.05 AND 37 C.F.R. § 1.59 TO EXPUNGE COPIES OF PAPERS FROM APPLICATION FILE is attached. The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account. A duplicate copy of this paper is enclosed.

SUGHRUE MION, PLLC  
Telephone: (202) 293-7060  
Facsimile: (202) 293-7860

Respectfully submitted,

  
Jennifer M. Hayes  
Registration No. 40,641

WASHINGTON OFFICE



**23373**

PATENT TRADEMARK OFFICE

Date: December 10, 2003



**PATENT APPLICATION**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of

Docket No: Q67605

Terukazu YANAGI, et al.

Appln. No.: 10/026,843

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Examiner: Geraldine Letscher

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For: MODIFIED GELATIN, AND SILVER HALIDE PHOTOGRAPHIC EMULSION AND  
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**PETITION PURSUANT TO 37 C.F.R. § 1.59 AND MPEP § 724.05  
TO EXPUNGE INFORMATION FROM APPLICATION FILE**

**MAILSTOP: PETITIONS**

**ATTENTION: NANCY JOHNSON, ESQ.**

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

The assignee of the above-named application hereby petitions under the provisions of 37 C.F.R. § 1.59(b) and MPEP § 724.05(II) to expunge from the file of the subject application the certified copies of Japanese Patent Application Nos. JP2001-0008000 and JP2001-374801 which were mistakenly and unintentionally filed in the above-identified application on February 1, 2002. A separate letter submitting the appropriate fee and/or authorizing the charging of our Deposit Account No. 19-4880 for the appropriate fee as required by 37 C.F.R. § 1.17(i) is submitted herewith in duplicate.

The facts supporting the instant petition are as follows:

1. On February 1, 2002, Applicants filed a Submission of Priority Documents with certified copies of several Japanese Applications, including, *inter alia*, Application Nos. JP 2001-000800 and JP 2001-374801.
2. Japanese Application Nos. JP 2001-000800 and JP 2001-374801 are not listed on the Declaration or other application papers as priority applications for the above-identified application. See the attached copy of the Declaration filed on December 27, 2001 (Attachment A) and the attached copy of the Transmittal letter submitted with the Application papers on December 27, 2001 (Attachment B).
3. Japanese Application Nos. JP 2001-000800 and JP 2001-374801 were mistakenly and unintentionally filed in the present application file instead of in the correct file.
4. Applicants respectfully request the return of the certified copies of Japanese Application Nos. JP 2001-000800 and JP 2001-374801, so that the certified copies may be properly submitted in the correct application file to perfect Applicants' claim for priority in co-pending Application No. 10/034,607, prior to payment of the issue fee therefore.
5. Applicants commit to retain copies of the requested documents for the period of any patent with regard to which the documents were submitted.
6. The documents to be returned are not material information to the above-identified application under 37 C.F.R. § 1.56.
7. The facts set forth herein clearly establish that the requested certified copies of Japanese Application Nos. JP 2001-000800 and JP 2001-374801 were submitted in the wrong application and therefore, a decision on the petition should not be held in abeyance.

8. This petition is being submitted by, or on behalf of, the party in interest who originally submitted the information.

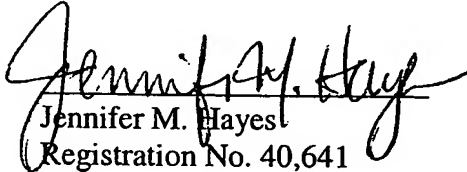
9. The required fee as set forth in 37 C.F.R. § 1.17(h) is attached.

Applicants respectfully submit that the facts set forth herein sufficiently establish that the return of the requested information is appropriate. Thus, waiver of the requirements to provide a statement that the failure to obtain return of the information would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted, and that the information has not been made public, as set forth in MPEP 724.05(II)(B) and 724.05(II)(C), respectively, is respectfully requested.

Alternatively, Applicants respectfully request relief, under 37 C.F.R. § 1.181 and 1.182 to the extent that the rules do not specifically provide for the requested relief and/or under 37 C.F.R. § 1.183, to the extent suspension of the rules is required by justice.

The USPTO is directed and authorized to charge all required fees to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

  
Jennifer M. Hayes  
Registration No. 40,641

SUGHRUE MION, PLLC  
2100 Pennsylvania Avenue, N.W.  
Washington, D.C. 20037-3213  
Telephone: (202) 293-7060  
Facsimile: (202) 293-7860  
Date: December 10, 2003



## REQUEST FOR ALERT CONCERNING SUBMITTED PETITIONS

### Background

On July 1, 2003, the Office instituted the Image File Wrapper (IFW) system to automate the prosecution of patent applications. All patent application documents that are part of the official record, including petitions, are converted to electronic form and stored in the electronic IFW.

When the IFW system was first implemented the system would only send a processing message to one organization within the USPTO even where a submission included matters treated by different areas of the Office. For example, if a submission included both an amendment and a petition of the type handled by the Office of Petitions (see MPEP 1002.02(b)), the IFW system would send a processing message to the Technology Center but not to the Office of Petitions. Improved software and internal procedures will soon create messages to alert both the Office of Petitions and the other organization handling the other documents, so the full submission will be correctly processed. However, there are a number of petitions of the type handled by the Office of Petitions for which the IFW system has not sent a processing message to the Office of Petitions.

To help assure prompt and proper service to the public, the Office is requesting applicants to assist the Office to process petitions by sending an e-mail alert to the office, in accordance with the following temporary procedures.

### Petitions Types Affected:

Petitions that are decided by the Office of the Deputy Commissioner for Patent Examination Policy (listed in MPEP § 1002.02(b)), including the Office of Patent Legal Administration (OPLA) and the Office of Petitions.

Examples of the most common petitions of these types are petitions to revive applications that are abandoned due to failure to respond to an Office action, petitions to withdraw an application from issue, petitions for patent term adjustments. Consult MPEP § 1002.02(b) for the full list of affected petitions.

### Petitions Types Not Affected:

Petitions for other offices within the USPTO, for example those decided by the Technology Centers (listed in MPEP § 1002.02(c)) or the Office of Publications (listed in MPEP § 1002.02(r)), are not part of this program, and applicants should not send an e-mail alert to the Office pursuant to this notice.

### Temporary Procedures for an alert concerning submitted petitions:

1. Confirm that a submitted petition filed after June 30, 2003 has not been answered, either by checking your records or checking the postings on the Office's Patent Application Information Retrieval (PAIR) system. Applicants unfamiliar with the PAIR system may access information about it on the Office's web site: [www.uspto.gov/eac](http://www.uspto.gov/eac).



2. If a petition is filed, or has been filed **after June 30, 2003**, of the types listed in MPEP § 1002.02(b), and applicant has not received a response to the petition or seen a response posted on the PAIR system, applicant is invited to send an e-mail alert to petitions@uspto.gov indicating the following information:
  - > application number of the application in which the petition(s) was filed
  - > date of petition(s)
  - > regulation under which petition(s) was filed, if known:  
(e.g. 37CFR1.137(b), 37CFR1.183, etc.)
3. Only the information described in paragraph 2 should be provided in the e-mail. Other information will not be considered. No attachments may be added to the e-mail. The e-mail will not be acknowledged or answered.
4. This e-mail alert will NOT be considered a communication in the file under 37CFR1.4(a)(2) and will not be entered into the file contents. The alert is NOT considered a status inquiry.
5. A single e-mail alert may include information on more than one unanswered petition. However, do not send in more than one alert per unanswered petition.

**Example [e-mail addressed to petitions@uspto.gov]**

The following petitions have not been answered to date:

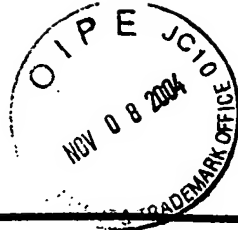
Application No.	Petition Filed:	Reg:
10/111111	October 3, 2003	37 CFR 1.137(b)
10/222222	December 5, 2003	37 CFR 1.183

**For Further Information Contact**

Questions or status inquiries concerning specific petitions should be directed to Office of Petitions Help Desk or by checking the status of the application on the Private PAIR system (see [www.uspto.gov/ebc](http://www.uspto.gov/ebc)). Questions on the form of the e-mail should be directed to the EFS Help Desk, at (703) 305-3028.

Date: 4/24/2004

/s/  
Stephen G. Kunin  
Deputy Commissioner for Patent  
Examination Policy



**Hayes, Jennifer M.**

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**From:** Hayes, Jennifer M.  
**Sent:** Tuesday, May 11, 2004 4:10 PM  
**To:** 'petitions@uspto.gov'  
**Subject:** Unanswered Petition

The following petition has not been answered to date:

Application No.: 10/026,843  
Date of Petition: December 10, 2003  
Regulation: 37 C.F.R 1.59 and MPEP 724.05 (which states that petition should be sent to the Office of Petitions for Decision when information to be expunged was not submitted pursuant to MPEP 724.02 or as part of an IDS)

Jennifer M. Hayes  
Sughrue Mion, PLLC  
Phone: (202) 775-7533  
Fax: (202) 293-7860  
jhayes@sughrue.com

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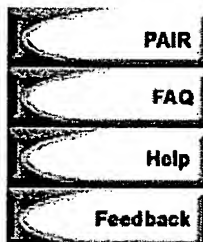
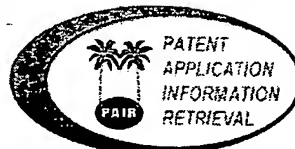
**ATTACHMENT C**



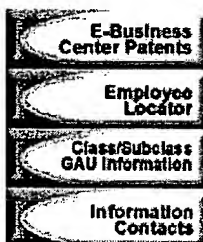
United States Patent and Trademark Office

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## PATENT APPLICATION INFORMATION RETRIEVAL



## Other Links



NEW Printer Friendly Version

Search results for application number:10/026,843			
Application Number:	10/026,843	Customer Number:	-
Filing or 371(c) Date:	12-27-2001	Status:	Non Final Action Mailed
Application Type:	Utility	Status Date:	12-12-2003
Examiner Name:	MONDESI, ROBERT B	Location:	ELECTRONIC
Group Art Unit:	1653	Location Date:	-
Confirmation Number:	9834	Earliest Publication No:	US 2002-0155398 A1
Attorney Docket Number:	Q67605	Earliest Publication Date:	10-24-2002
Class/ Sub-Class:	430/567	Patent Number:	-
First Named Inventor:	Terukazu Yanagi, Minami-Ashigara-shi, (JP)	Issue Date of Patent:	-
Title Of Invention:	Modified gelatin, and silver halide photographic emulsion and photographic light-sensitive material using the same		

Select Search Option

Assignments

Published Documents

Search

File History	
Date	Contents Description
09-23-2002	Reference capture on IDS
12-12-2003	Mail Non-Final Rejection
12-11-2003	Non-Final Rejection
12-11-2003	Case Docketed to Examiner in GAU
11-20-2003	Transfer Inquiry to GAU
07-09-2003	Date Forwarded to Examiner
07-07-2003	Response to Election / Restriction Filed
06-04-2003	Mail Restriction Requirement
06-04-2003	Requirement for Restriction / Election
11-25-2002	Case Docketed to Examiner in GAU
09-23-2002	Information Disclosure Statement (IDS) Filed
08-23-2002	Preliminary Amendment
02-01-2002	Information Disclosure Statement (IDS) Filed
02-14-2002	Case Docketed to Examiner in GAU
02-08-2002	Application Dispatched from OIPE
02-04-2002	Application Is Now Complete
01-23-2002	IFW Scan & PACR Auto Security Review

01-18-2002	IFW Scan & PACR Auto Security Review
12-27-2001	Initial Exam Team nn

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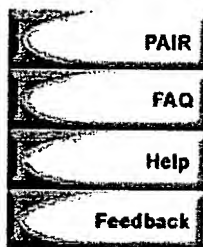
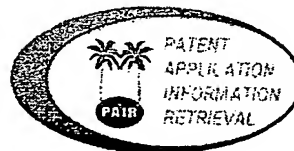
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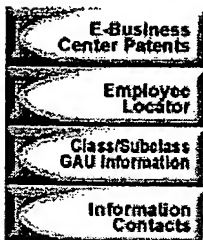
United States Patent and Trademark Office

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## PATENT APPLICATION INFORMATION RETRIEVAL



## Other Links



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Search results for application number:10/026,843			
Application Number:	10/026,843	Customer Number:	-
Filing or 371(c) Date:	12-27-2001	Status:	Non Final Action Mailed
Application Type:	Utility	Status Date:	12-12-2003
Examiner Name:	MONDESI, ROBERT B	Location:	ELECTRONIC
Group Art Unit:	1653	Location Date:	-
Confirmation Number:	9834	Earliest Publication No:	US 2002-0155398 A1
Attorney Docket Number:	Q67605	Earliest Publication Date:	10-24-2002
Class/ Sub-Class:	430/567	Patent Number:	-
First Named Inventor:	Terukazu Yanagi, Minami-Ashigara-shi, (JP)	Issue Date of Patent:	-
Title Of Invention:	Modified gelatin, and silver halide photographic emulsion and photographic light-sensitive material using the same		

Select Search Option

Assignments

Published Documents

Search

File History	
Date	Contents Description
09-23-2002	Reference capture on IDS
12-12-2003	Mail Non-Final Rejection
12-11-2003	Non-Final Rejection
12-11-2003	Case Docketed to Examiner in GAU
11-20-2003	Transfer Inquiry to GAU
07-09-2003	Date Forwarded to Examiner
07-07-2003	Response to Election / Restriction Filed
06-04-2003	Mail Restriction Requirement
06-04-2003	Requirement for Restriction / Election
11-25-2002	Case Docketed to Examiner in GAU
09-23-2002	Information Disclosure Statement (IDS) Filed
08-23-2002	Preliminary Amendment
02-01-2002	Information Disclosure Statement (IDS) Filed
02-14-2002	Case Docketed to Examiner in GAU
02-08-2002	Application Dispatched from OIPE
02-04-2002	Application Is Now Complete
01-23-2002	IFW Scan & PACR Auto Security Review

01-18-2002	FW Scan & PACR Auto Security Review
12-27-2001	Initial Exam Team nn

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14

**FILING RECEIPT**  
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In re application of  
Terukazu YANAGI, et al.  
Appln. No.: 10/026,843  
Confirmation No.: 9834  
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**PAPER(S) FILED ENTITLED:**

1. STATUS INQUIRY REGARDING UNANSWERED PETITION  
FILED ON DECEMBER 10, 2003 with Attachments A and B

SUGHRUE MION, PLLC  
Telephone: (202) 293-7060  
Facsimile: (202) 293-7860

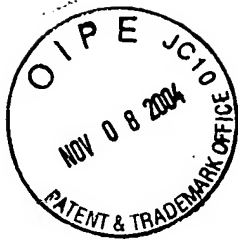
DOCKET NO.: Q67605  
ATTORNEY/SEC: JMH/jia  
Date Filed: May 19, 2004

WASHINGTON OFFICE

**23373**

CUSTOMER NUMBER

**ATTACHMENT E**



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Docket No: Q67605

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**STATUS INQUIRY REGARDING  
UNANSWERED PETITION FILED ON DECEMBER 10, 2003**

**FILED**

**MAILSTOP: PETITIONS**

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

MAY 19 2004

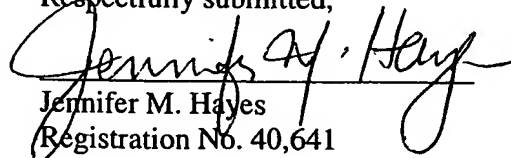
Sir:

A Petition Pursuant to 37 C.F.R. § 1.59 and MPEP § 724.05 to Expunge Copies of Papers from Application File was filed in the above-identified application on December 10, 2003.

In accordance with a recent notice from the USPTO, an e-mail alert was sent to the Office of Petitions on May 11, 2004. See Attachment A. As of May 18, 2004, PAIR indicates that the petition remains unanswered. See Attachment B.

The undersigned respectfully requests to be advised of the status of the Petition Pursuant to 37 C.F.R. § 1.59 and MPEP § 724.05 to Expunge Copies of Papers from Application File filed on December 10, 2003, in the above-identified application.

Respectfully submitted,

  
Jennifer M. Hayes  
Registration No. 40,641

SUGHRUE MION, PLLC  
Telephone: (202) 293-7060  
Facsimile: (202) 293-7860

WASHINGTON OFFICE

**23373**

CUSTOMER NUMBER

Date: May 19, 2004



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